

In the United States Patent and Trademark Office

Serial Number:	09/575123		
Application. Filed:	May 23, 2000		
Applicant:	Kia Silverbrook; Paul Lapstun		
Application Title:	Method and System for Delivery of a Newspaper or Magazine		
Examiner/GAU:	Laurie Anne Ries	2176	
	Dated	June 26, 2007	
	At:	Balmain, NSW	
	Docket No.	NPA006US	

REPLY

Commissioner for Patents
Washington, District of Columbia 20231

Dear Sir:

The Applicant thanks the Examiner for the Final Office Action dated May 25, 2007.

Claim Rejections – 35 USC § 103

The Applicant maintains that the combination of Dougherty and Fateh would not have obviously led the skilled person to arrive at the present invention.

The Examiner admits that Fateh uses a gyroscope to determine an orientation of his sensing device. This is uncontested by the Applicant and the Examiner.

However, the Examiner is now arguing that *a priori* Fateh provides sufficient motivation to *remove* the gyroscope altogether as a means for determining orientation, and instead use orientation markers in a printed code which is readable by Fateh's sensing device. The Applicant is perplexed as to where Fateh provides such a motivation.

The Applicant is, of course, aware that arguments countering obviousness cannot attack documents individually. However, it is necessary in an analysis of obviousness to determine what is taught by each cited document and then to determine whether the teaching of one document makes up for the shortcomings of another document. MPEP 2143 sets out the three criteria to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.**

The Examiner asserts that Dougherty teaches all the claim limitations with the exception of an orientation being encoded in the coded data. The Examiner asserts that this teaching can be found in Fateh. However, whilst Fateh teaches that it may be useful for a sensing device reading a printed code to determine its orientation, Fateh teaches a completely different means (*viz.* a gyroscope) for achieving this. Thus, the prior art references, when combined, fail to teach or suggest all the claim limitations. There is unequivocally no teaching in either Dougherty or Fateh to modify coded data so as to include an indication of orientation. If anything, Fateh is *teaching away* from the present invention's solution of providing orientation markers in coded data, inasmuch as Fateh teaches a completely different means for determining orientation in the form of a gyroscope.

Accordingly, the Applicant maintains that the present invention is not obvious in view of the combined teachings of Dougherty and Fateh. Moreover, the Applicant requests reconsideration of the finality of the previous Office Action.

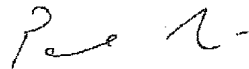
It is submitted that all the Examiner's objections have been traversed. Reconsideration and allowance of this application is respectfully solicited.

Very respectfully,

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